

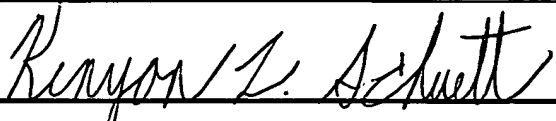
comprises a DNA region involved in 3' end formation and polyadenylation, preceded by a self-splicing ribozyme encoding DNA region". In contrast, the present invention does not require a 3' untranslated region. For example, page 6, line 35 through page 7, line 5 recites "the inhibition of nucleus-to-cytoplasm transport can be due to the absence of appropriate 3' terminal sequences (3' UTR)". Also, on page 11, line 6 is recited "In one embodiment, transport is inhibited due to the absence of the normal 3' terminal sequence". Also, on page 28, lines 5 through 8 is recited "The only difference between the 2 binaries was that plasmid pPTN300 was ended with a CaMV 35S terminator and plasmid pPTN303 was terminated with a ribozyme." Thus, Waterhouse et al. is not novelty-defeating as Waterhouse et al. requires a 3' untranslated region while the subject invention does not require a 3' untranslated region.

The Examiner has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Waterhouse et al. as applied to claims 1-5, and further in view of Taira et al. As stated above, Applicant submits that Waterhouse et al. require a chimeric DNA construct consisting of a 3' untranslated region and a self-cleaving ribozyme. For example, claim 1, step a) recites "said chimeric DNA farther (sic) comprises a DNA region involved in 3' end formation and polyadenylation, preceded by a self-splicing ribozyme encoding DNA region". In contrast, the present invention does not require a 3' untranslated region. For example, page 6, line 35 through page 7, line 5 recites "the inhibition of nucleus-to-cytoplasm transport can be due to the absence of appropriate 3' terminal sequences (3' UTR)". Also, on page 11, line 6 is recited "In one embodiment, transport is inhibited due to the absence of the normal 3' terminal sequence". Also, on page 28, lines 5 through 8 is recited "The only difference between the 2 binaries was that plasmid pPTN300 was ended with a CaMV 35S terminator and plasmid pPTN303 was terminated with a ribozyme." Because Waterhouse et al. require a 3' untranslated region, it would not be obvious to one of ordinary skill in the art to combine the teaching of Waterhouse et al. with the teaching of Taira et al. to arrive at the claimed invention. Thus, Applicant submits that the present invention is not obvious over Waterhouse et al. in view of Taira et al.

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In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102 and 103. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
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